

MINUTES

CASE NUMBER: CIVIL NO. 14-00029LEK-KSC
CASE NAME: Nicholas Akau vs. USPLabs, LLC, et al.
ATTYS FOR PLA:
ATTYS FOR DEFT:
INTERPRETER:

JUDGE: Leslie E. Kobayashi REPORTER:

DATE: 07/5/2017 TIME:

COURT ACTION: EO: COURT ORDER ADMINISTRATIVELY CLOSING CASE

The following cases – all of which are assigned to this Court and United States Magistrate Judge Kevin S.C. Chang – were stayed in light of criminal proceedings pending in Texas against, *inter alia*, Defendant USPlabs, LLC (“Texas Prosecution”):

- 1) Akau v. USPlabs, LLC, et al., CV 14-00029;
- 2) Igafo v. USPlabs, LLC, et al., CV 14-00030;
- 3) Ishihara v. USPlabs, LLC, et al., CV 14-00031;
- 4) Mattson v. USPlabs, LLC, et al., CV 14-00032;
- 5) Carlisle, et al. v. USPlabs, LLC, et al., CV 14-00363;
- 6) Davidson, et al. v. USPlabs, LLC, et al., CV 14-00364;
- 7) Ofisa, et al. v. USPlabs, LLC, et al., CV 14-00365;
- 8) Pantohan, et al. v. USPlabs, LLC, et al., CV 14-00366;
- 9) Pavao, et al. v. USPlabs, LLC, et al., CV 14-00367;
- 10) Smith-Marras v. Gen. Nutrition Corp., et al., CV 15-00188;
- 11) Hirota, et al. v. Gen. Nutrition Corp., et al., CV 15-00191;
- 12) Estrada v. USPlabs, LLC, et al., CV 15-00228;
- 13) Marras v. USPlabs, LLC, et al., CV 15-00329;
- 14) Kamiya, et al. v. Vitamin World, Inc., CV 15-00373; and
- 15) Smith-Marras v. Vitamin World, Inc., CV 15-00379 (collectively “the OxyElite Cases”).

See, e.g., Akau, CV 14-00029, Consolidated Order Granting Defendant USPlabs, LLC’s Motions to Stay All Proceedings, filed 1/14/16 (dkt. no. 134) (staying the case until 6/16/16); Akau, CV 14-00029, Minute Order, filed 6/21/16 (dkt. no. 13) (extending the

stay until 10/17/16). Although the circumstances of these cases remain unchanged, the stay was not extended beyond October 17, 2016.

On June 8, 2017, during a status conference held in a related case, Magistrate Judge Chang noted that the Texas Prosecution was scheduled for trial on January 29, 2018. [Waikiki v. USPlabs, LLC, et al., CV 13-00639 KSC, Minutes, filed 6/8/17 (dkt. no. 599) (“Waikiki Minutes”), at 1.] The trial in Waikiki is scheduled for March 27, 2018. [Id., Second Amended Rule 16 Scheduling Order, filed 12/20/16 (dkt. no. 592), at ¶ 1.]

In light of the status of the Texas Prosecution and Waikiki, this Court HEREBY STAYS all of the OxyElite Cases, pending the conclusion of the Waikiki case. This Court DIRECTS the Clerk’s Office to close the OxyElite Cases administratively. The closure of these cases is simply for administrative purposes and has no effect on the procedural or substantive rights of any party. In particular, this Court explicitly notes that the administrative closure neither affects nor changes the filing dates of these litigations in terms of the statute of limitations or for any other purpose.

This Court notes that the Waikiki Minutes reflect that some of the plaintiffs have settled their claims. The stay and administrative closure of the OxyElite Cases do not prevent the parties from submitting – for this Court’s approval – stipulations to dismiss claims that have been settled. If all of the claims in any one of the OxyElite Cases are dismissed, this Court will lift the stay and direct the Clerk’s Office to reopen the case to effectuate the dismissal.

This Court DIRECTS the plaintiffs to submit a letter notifying this Court that the Waikiki case has concluded. The plaintiffs must submit their letter(s) to this Court within seven days after the conclusion of the Waikiki case. For purposes of this Entering Order, the Waikiki case will be considered to have been concluded when all claims in that case have been resolved by either jury verdict or order issued by Magistrate Judge Chang. After this Court receives the plaintiffs’ letter(s), this Court will set a status conference to discuss the lifting of the stay in the OxyElite Cases.

IT IS SO ORDERED.

Submitted by: Warren N. Nakamura, Courtroom Manager